Remarks

The Office Action mailed March 22, 2006 has been carefully reviewed and the foregoing amendment has been made in consequence thereof.

Claims 1-15, 17-23, 25-46, 48-53, and 55-56 are now pending in this application. Claims 1-15, 17-23, 25-46, and 48-55 are rejected. Claims 16, 24, 47, and 54 have been canceled without prejudice, waiver, or disclaimer. Claim 56 has been newly added. Claims 1, 28, 42, and 50 have been amended. No new matter has been added. No fees are due for the newly added Claim 56.

The rejection of Claims 1-15, 17-23, 25-46, and 48-55 under 35 U.S.C. § 103(a) as being unpatentable over Call (U.S. Patent 5,913,210) in view of Nicholls et al. (U.S. Patent 5,485,369) further in view of Kadaba (U.S. Patent No. 6,889,194) and further in view of Graves et al. (U.S.. Statutory Invention Registration H1743) is respectfully traversed.

Call describes a system including an Internet resource, called a "product code translator," for storing cross-references between universal product codes identifying specific products and Internet addresses specifying locations at which information about products may be obtained (column 1, lines 37-41). The cross-references are transferred from participating manufacturers to the product code translator using a product code registration process (column 1, lines 42-44). The transferred cross-references specify universal product codes assigned to the participating manufacturers, such as the U.P.C. and EAN codes widely used in retail stores for barcode scanning at checkout counters (column 1, lines 45-48). The centrally stored cross-references thus correlate sets of universal product codes with the Internet addresses where information can be obtained about the products designated by those codes (column 1, lines 47-51). Utilizing the system, resellers, potential customers, analysts, service and support personnel, end-users and others can obtain and use detailed, accurate and up-to-date information about any product of interest made available by a participating manufacturer (column 1, lines 52-56). The system facilitates a transfer of information about products from manufacturers or suppliers to

resellers, customers, and any others who need or desire that information (column 1, lines 32-36).

Nicholls et al. describe a system including a shipping station (26). The shipping station may include one or more computer terminals to which a scanning device (32), an electronic scale (34) and mailing label printers (36) may be attached (column 3, line 65 – column 4, line 3). The system further includes a shipments client that accepts user input for routing, rating and documentation of a group of packages (column 7, lines 53-55). The system also includes supervisory managers that are preprogrammed with an ability to send "announcements" across a network operating system according to a named pipe protocol (column 12, lines 45-47). The system may choose the least cost carrier which meets transit time requirements indicated in a field (column 7, lines 57-61). The system provides a selection as being hazardous of a material to be shipped (Figure 4A). A UPS rate adjustments program object and substantially similar objects for each carrier rate server installed on the system, allows a user to adjust discounts and incentive programs extended to a shipper by a carrier (column 8, lines 43-47).

Kadaba describes a shipping menu displayed on a screen. From the shipping menu, a customer may select to prepare a parcel for shipment, to review a parcel prepared for shipment, to void a parcel prepared for shipment, or to start end of day processing (FIG. 4C, column 7, lines 22-24).

Graves et al. describe an inventory management system and apparatus. The apparatus includes means for communicating with a supplier of a plurality of consumable supplies to modify a scheduled delivery of additional consumable supplies, based upon a projection of when the consumable supplies will be completely depleted, if the scheduled delivery would result in an undesirable quantity of stored consumable supplies (column 3, lines 1-6).

Claim 1 recites a method of delivering goods from a supplier to a buyer utilizing a system having at least one delivery agent, at least one store, at least one supplier, and a plurality of buyers, where the at least one delivery agent, the at least one store, and the at least one supplier are coupled to a communications network, the

method comprising the steps of "contemporaneously communicating respective order information from a respective store to a logistics intermediary; generating respective invoice information from said respective order information; electronically communicating said respective invoice information from said logistics intermediary to a respective delivery agent based on an electronic manifest; noting exceptions and electronically communicating the exceptions to said logistics intermediary, wherein the exceptions are noted and electronically communicated by said respective delivery agent; electronically communicating the exceptions from said logistics intermediary to a respective supplier and to the respective store from which goods were ordered; electronically communicating a disposition status of respective shipped goods from said respective delivery agent to said logistics intermediary; responding, by said respective supplier, based on conditions of the respective shipped goods provided by said respective delivery agent to said respective supplier via said logistics intermediary, wherein said responding based on the conditions includes rescheduling an order, by the respective supplier, based on the conditions reported via a graphical user interface by the respective delivery agent after the respective shipped goods are received by the respective delivery agent that delivers the respective shipped goods to one of the buyers of the respective shipped goods, wherein said rescheduling the order is based on at least one of: a reception, via a graphical user interface, of whether the respective shipped goods are noticed as being damaged after the respective shipped goods are received by the respective delivery agent; and   a reception, via the graphical user interface, of whether the respective shipped goods shipped to the respective delivery agent are not expected to be received by the respective delivery agent; and updating said electronic manifest, wherein said electronic manifest is updated by said logistics intermediary."

None of Call, Nicholls et al., Kadaba, or Graves et al., considered alone or in combination, describe or suggest a method of delivering goods from a supplier as recited in Claim 1. Specifically, none of Call, Nicholls et al., Kadaba, or Graves et al., considered alone or in combination, describe or suggest rescheduling an order, by the respective supplier, based on the conditions reported via a graphical user interface by the respective delivery agent after the respective shipped goods are received by the respective delivery agent that delivers the respective shipped goods to one of the

buyers of the respective shipped goods, where rescheduling the order is based on at least one of a reception, via a graphical user interface, of whether the respective shipped goods are noticed as being damaged after the respective shipped goods are received by the respective delivery agent, and a reception, via the graphical user interface, of whether the respective shipped goods shipped to the respective delivery agent are not expected to be received by the respective delivery agent. Rather, Call describes correlating sets of universal product codes with Internet addresses at which information can be obtained about products designated by the codes. Nicholls et al. describe accepting, by a shipments client, user input for routing, rating and documentation of a group of packages. Kadaba describes selecting a parcel prepared for shipment to void the parcel. A description of voiding the parcel prepared for shipment does not teach rescheduling the order based on at least one of a reception, via a graphical user interface, of whether the respective shipped goods are noticed as being damaged after the respective shipped goods are received by the respective delivery agent, and a reception, via the graphical user interface, of whether the respective shipped goods shipped to the respective delivery agent are not expected to be received by the respective delivery agent. Graves et al. describe means for communicating with a supplier a plurality of consumable supplies to modify a scheduled delivery of additional consumable supplies, based upon a projection of when the consumable supplies will be completely depleted, if the scheduled delivery would result in an undesirable quantity of stored consumable supplies. A description of the means for communicating with a supplier to modify a scheduled delivery if the scheduled delivery would result in an undesirable quantity of stored consumable supplies does not teach rescheduling the order based on at least one of a reception, via a graphical user interface, of whether the respective shipped goods are noticed as being damaged after the respective shipped goods are received by the respective delivery agent, and a reception, via the graphical user interface, of whether the respective shipped goods shipped to the respective delivery agent are not expected to be received by the respective delivery agent. Accordingly, none of Call, Nicholls et al., Kadaba, or Graves et al., considered alone or in combination, describe or suggest rescheduling the order based on at least one of a reception, via a graphical user interface, of whether the respective shipped goods are noticed as being damaged after the respective shipped goods are received by the respective delivery agent, and a

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reception, via the graphical user interface, of whether the respective shipped goods shipped to the respective delivery agent are not expected to be received by the respective delivery agent. For the reasons set forth above, Claim 1 is submitted to be patentable over Call in view of Nicholls et al. further in view of Kadaba and further in view of Graves et al.

Applicants respectfully traverse the statement on page 15 of the Office Action. The statement states, "[s]aid undesirable result includes damaged goods. However, the specification does not provide any indication of the advantages of said features over the prior art. Without such indication, said damaged goods would be an obvious variation of any reason why said scheduled delivery would result in undesirable result." Applicants respectfully submit that the specification provides at least one advantage of providing an indication that a good is damaged. Specifically, the specification states, "Once the order is placed the order is sent to a respective delivery agent via the Internet. The respective delivery agent then delivers the respective good. As such, this good delivery system is a order fulfillment system. This system has a number of disadvantages, including, for example, the system could not automatically generate order reschedules resulting from…"damaged" goods…When the good shipped from supplier 152 is damaged and the damage was discovered upon the good arriving at…place of business, delivery agent 212 scans the good as "damaged"…Exception report 220 is communicated…to respective supplier 152…Supplier 152 communicates to logistics intermediary 154 the confirmation of the good replacement within a predetermined time, typically within one hour of notification of the exception report…Supplier 152 then arranges to pick-up the damaged good from delivery agent 212…" (page 1, lines 17-22, page 10, line 3 – page 11, line 8). Accordingly, an example of an advantage of providing an indication that a good is damaged includes facilitating a replacement of the damaged good and another example of the advantage includes facilitating a pick-up of the damaged good. Hence, the specification provides examples of providing the indication of the damaged good.

Claim 54 has been canceled. Claims 2-15, 17-23, 25-27, and 55 depend, directly or indirectly, from independent Claim 1. When the recitations of Claims 2-

15, 17-23, 25-27, and 55 are considered in combination with the recitations of Claim 1, Applicants submit that dependent Claims 2-15, 17-23, 25-27, and 55 likewise are patentable over Call in view of Nicholls et al. further in view of Kadaba and further in view of Graves et al.

Claim 28 recites a system for delivering goods from a plurality of suppliers to a plurality of buyers based on respective orders placed by the plurality of buyers, the system comprising "a communications network; a logistics intermediary coupled to said communications network, said logistics intermediary having an electronic manifest; wherein said logistics intermediary is adapted to adjust good deliveries based on an exception report; at least one delivery agent coupled to said communications network, wherein said at least one delivery agent is adapted to deliver and install a first set of goods ordered by a respective buyer based on information in said electronic manifest; at least one supplier adapted to generate order reschedules of a second set of goods based on conditions, of the first set of goods, provided by the at least one delivery agent to said at least one supplier via said logistics intermediary, wherein said at least one supplier generates the order reschedules by creating the order reschedules based on the conditions reported by the at least one delivery agent via a graphical user interface after the first set of goods are received by the at least one delivery agent that delivers the first set of goods to the respective buyer, wherein said at least one supplier generates the order schedules based on at least one of: a reception, via a graphical user interface, of whether the goods within the first set are noticed as being damaged after the first set of goods is received by the at least one delivery agent; and a reception, via the graphical user interface, of whether the first set of goods shipped to the at least one delivery agent is not expected to be received by the at least one delivery agent; and at least one store coupled to said communications network, wherein said at least one store is adapted to receive order information generated by each respective buyer and communicate the order information to said logistics intermediary via said communications network."

None of Call, Nicholls et al., Kadaba, or Graves et al., considered alone or in combination, describe or suggest a system for delivering goods from a plurality of suppliers as recited in Claim 28. Specifically, none of Call, Nicholls et al., Kadaba, or

Graves et al., considered alone or in combination, describe or suggest the at least one supplier generates the order reschedules by creating the order reschedules based on the conditions reported by the at least one delivery agent via a graphical user interface after the first set of goods are received by the at least one delivery agent that delivers the first set of goods to the respective buyer, where the at least one supplier generates the order schedules based on at least one of a reception, via a graphical user interface, of whether the goods within the first set are noticed as being damaged after the first set of goods is received by the at least one delivery agent, and a reception, via the graphical user interface, of whether the first set of goods shipped to the at least one delivery agent is not expected to be received by the at least one delivery agent. Rather, Call describes correlating sets of universal product codes with Internet addresses at which information can be obtained about products designated by the codes. Nicholls et al. describe accepting, by a shipments client, user input for routing, rating and documentation of a group of packages. Kadaba describes selecting a parcel prepared for shipment to void the parcel. Graves et al. describe means for communicating with a supplier a plurality of consumable supplies to modify a scheduled delivery of additional consumable supplies, based upon a projection of when the consumable supplies will be completely depleted, if the scheduled delivery would result in an undesirable quantity of stored consumable supplies. Accordingly, none of Call, Nicholls et al., Kadaba, or Graves et al., considered alone or in combination, describe or suggest the at least one supplier generates the order schedules based on at least one of a reception, via a graphical user interface, of whether the goods within the first set are noticed as being damaged after the first set of goods is received by the at least one delivery agent, and a reception, via the graphical user interface, of whether the first set of goods shipped to the at least one delivery agent is not expected to be received by the at least one delivery agent. For the reasons set forth above, Claim 28 is submitted to be patentable over Call in view of Nicholls et al. further in view of Kadaba and further in view of Graves et al.

Claims 29-41 and 49 depend, directly or indirectly, from independent Claim 28. When the recitations of Claims 29-41 and 49 are considered in combination with the recitations of Claim 28, Applicants submit that dependent Claims 29-41 and 49

likewise are patentable over Call in view of Nicholls et al. further in view of Kadaba and further in view of Graves et al.

Claim 42 recites a system for integrating information for the delivery of goods from a supplier to a buyer, the system having at least one delivery agent, at least one store, at least one supplier, and a plurality of buyers, the system comprising "means for utilizing a communications network to transfer order and shipping information between a respective supplier, a respective delivery agent, and a respective store; means for utilizing a logistics intermediary coupled to said communications network, said logistics intermediary being adapted to employ an electronic manifest; means for providing order and shipping information to the at least one delivery agent and the at least one supplier, wherein said at least one delivery agent is adapted to deliver and install a first set of goods ordered by the respective buyer based on information in said electronic manifest; means for scheduling a shipment of a second set of goods produced by the at least one supplier based on said order and shipping information, and an exception report, wherein said at least one supplier is adapted to generate order reschedules of the second set of goods based on conditions, of the first set of goods, provided by said at least one delivery agent to said at least one supplier via said logistics intermediary, and the at least one supplier generates the order reschedules by creating the order reschedules based on the conditions reported by the respective delivery agent via a graphical user interface after the first set of goods are received by the respective delivery agent that delivers the first set of goods to the respective buyer, wherein said at least one supplier generates the order schedules based on at least one of: a reception, via a graphical user interface, of whether the goods within the first set are noticed as being damaged after the first set of goods is received by the at least one delivery agent; and a reception, via the graphical user interface, of whether the first set of goods shipped to the at least one delivery agent is not expected to be received by the at least one delivery agent; and means for updating the electronic manifest after the order has been executed."

None of Call, Nicholls et al., Kadaba, or Graves et al., considered alone or in combination, describe or suggest a system for integrating information for the delivery of goods from a supplier as recited in Claim 42. Specifically, none of Call, Nicholls

et al., Kadaba, or Graves et al., considered alone or in combination, describe or suggest the at least one supplier generates the order reschedules by creating the order reschedules based on the conditions reported by the respective delivery agent via a graphical user interface after the first set of goods are received by the respective delivery agent that delivers the first set of goods to the respective buyer, where the at least one supplier generates the order schedules based on at least one of a reception, via a graphical user interface, of whether the goods within the first set are noticed as being damaged after the first set of goods is received by the at least one delivery agent, and a reception, via the graphical user interface, of whether the first set of goods shipped to the at least one delivery agent is not expected to be received by the at least one delivery agent. Rather, Call describes correlating sets of universal product codes with Internet addresses at which information can be obtained about products designated by the codes. Nicholls et al. describe accepting, by a shipments client, user input for routing, rating and documentation of a group of packages. Kadaba describes selecting a parcel prepared for shipment to void the parcel. Graves et al. describe means for communicating with a supplier a plurality of consumable supplies to modify a scheduled delivery of additional consumable supplies, based upon a projection of when the consumable supplies will be completely depleted, if the scheduled delivery would result in an undesirable quantity of stored consumable supplies. Accordingly, none of Call, Nicholls et al., Kadaba, or Graves et al., considered alone or in combination, describe or suggest the at least one supplier generates the order schedules based on at least one of a reception, via a graphical user interface, of whether the goods within the first set are noticed as being damaged after the first set of goods is received by the at least one delivery agent, and a reception, via the graphical user interface, of whether the first set of goods shipped to the at least one delivery agent is not expected to be received by the at least one delivery agent. For the reasons set forth above, Claim 42 is submitted to be patentable over Call in view of Nicholls et al. further in view of Kadaba and further in view of Graves et al.

Claims 43-46 and 48 depend, directly or indirectly, from independent Claim 42. When the recitations of Claims 43-46 and 48 are considered in combination with the recitations of Claim 42, Applicants submit that dependent Claims 43-46 and 48

likewise are patentable over Call in view of Nicholls et al. further in view of Kadaba and further in view of Graves et al.

Claim 50 recites a system having at least one delivery agent, at least one store, at least one supplier, and a plurality of buyers, where the at least one delivery agent, the at least one store, and the at least one supplier are coupled to a communications network, the system comprising "a logistics intermediary electronically communicating respective invoice information to a respective delivery agent based on an electronic manifest, said logistics intermediary electronically communicating said respective invoice information via a server to said respective delivery agent, said respective invoice information generated from respective order information, said respective delivery agent noting exceptions and electronically communicating via the server the exceptions to said logistics intermediary, said at least one supplier adapted to respond based on conditions, of a plurality of shipped goods, provided by said respective delivery agent to said at least one supplier via said logistics intermediary, and the at least one supplier generates a plurality of order reschedules by creating the order reschedules based on the conditions reported by the respective delivery agent via a graphical user interface after the goods are received by the respective delivery agent that delivers the goods to one of the buyers, wherein the at least one supplier schedules a pick-up of an overage good upon receiving an entry, via a graphical user interface, of the overage good, wherein the overage good is received by the respective delivery agent and is not expected to be received by the respective delivery agent; and a respective store contemporaneously communicating via the server respective order information to said logistics intermediary."

None of Call, Nicholls et al., Kadaba, or Graves et al., considered alone or in combination, describe or suggest a system as recited in Claim 50. Specifically, none of Call, Nicholls et al., Kadaba, or Graves et al., considered alone or in combination, describe or suggest the at least one supplier generates a plurality of order reschedules by creating the order reschedules based on the conditions reported by the respective delivery agent via a graphical user interface after the goods are received by the respective delivery agent that delivers the goods to one of the buyers, where the at least one supplier schedules a pick-up of an overage good upon receiving an entry, via

a graphical user interface, of the overage good, where the overage good is received by the respective delivery agent and is not expected to be received by the respective delivery agent. Rather, Call describes correlating sets of universal product codes with Internet addresses at which information can be obtained about products designated by the codes. Nicholls et al. describe accepting, by a shipments client, user input for routing, rating and documentation of a group of packages. Kadaba describes selecting a parcel prepared for shipment to void the parcel. A description of voiding the parcel prepared for shipment does not teach scheduling a pick-up of an overage good upon receiving an entry, via a graphical user interface, of the overage good, where the overage good is received by the respective delivery agent and is not expected to be received by the respective delivery agent. Graves et al. describe means for communicating with a supplier a plurality of consumable supplies to modify a scheduled delivery of additional consumable supplies, based upon a projection of when the consumable supplies will be completely depleted, if the scheduled delivery would result in an undesirable quantity of stored consumable supplies. A description of the means for communicating with a supplier to modify a scheduled delivery if the scheduled delivery would result in an undesirable quantity of stored consumable supplies does not teach scheduling a pick-up of an overage good upon receiving an entry, via a graphical user interface, of the overage good, where the overage good is received by the respective delivery agent and is not expected to be received by the respective delivery agent. Accordingly, none of Call, Nicholls et al., Kadaba, or Graves et al., considered alone or in combination, describe or suggest the at least one supplier schedules a pick-up of an overage good upon receiving an entry, via a graphical user interface, of the overage good, where the overage good is received by the respective delivery agent and is not expected to be received by the respective delivery agent. For the reasons set forth above, Claim 50 is submitted to be patentable over Call in view of Nicholls et al. further in view of Kadaba and further in view of Graves et al.

Claims 51-53 depend from independent Claim 50. When the recitations of Claims 51-53 are considered in combination with the recitations of Claim 50, Applicants submit that dependent Claims 51-53 likewise are patentable over Call in view of Nicholls et al. further in view of Kadaba and further in view of Graves et al.

For at least the reasons set forth above, Applicants respectfully request that the Section 103 rejection of Claims 1-15, 17-23, 25-46, and 48-55 be withdrawn.

Moreover, Applicants respectfully submit that the Section 103 rejection of Claims 1-15, 17-23, 25-46, and 48-55 is not a proper rejection. As is well established, obviousness cannot be established by combining the teachings of the cited art to produce the claimed invention, absent some teaching, suggestion, or incentive supporting the combination. None of Call, Nicholls et al., Kadaba, or Graves et al., considered alone or in combination, describe or suggest the claimed combination. Furthermore, in contrast to the assertion within the Office Action, Applicants respectfully submit that it would not be obvious to one skilled in the art to combine Call with Nicholls et al., Kadaba, or Graves et al. because there is no motivation to combine the references suggested in the cited art itself.

As the Federal Circuit has recognized, obviousness is not established merely by combining references having different individual elements of pending claims. Ex parte Levengood, 28 U.S.P.Q.2d 1300 (Bd. Pat. App. & Inter. 1993). MPEP 2143.01. Rather, there must be some suggestion, outside of Applicants' disclosure, in the prior art to combine such references, and a reasonable expectation of success must be both found in the prior art, and not based on Applicants' disclosure. In re Vaeck, 20 U.S.P.Q.2d 1436 (Fed. Cir. 1991). In the present case, neither a suggestion or motivation to combine the prior art disclosures, nor any reasonable expectation of success has been shown.

Furthermore, it is impermissible to use the claimed invention as an instruction manual or "template" to piece together the teachings of the cited art so that the claimed invention is rendered obvious. Specifically, one cannot use hindsight reconstruction to pick and choose among isolated disclosures in the art to deprecate the claimed invention. Further, it is impermissible to pick and choose from any one reference only so much of it as will support a given position, to the exclusion of other parts necessary to the full appreciation of what such reference fairly suggests to one of ordinary skill in the art. The present Section 103 rejection is based on a combination of teachings selected from multiple patents in an attempt to arrive at the claimed invention. Specifically, Call teaches correlating sets of universal product codes with
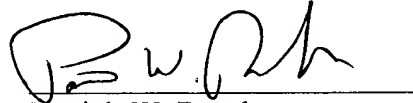
Internet addresses at which information can be obtained about products designated by the codes. Nicholls et al. teach accepting, by a shipments client, user input for routing, rating and documentation of a group of packages. Kadaba teaches selecting a parcel prepared for shipment to void the parcel. Graves et al. teach means for communicating with a supplier a plurality of consumable supplies to modify a scheduled delivery of additional consumable supplies, based upon a projection of when the consumable supplies will be completely depleted, if the scheduled delivery would result in an undesirable quantity of stored consumable supplies. Since there is no teaching nor suggestion in the cited art for the combination, the Section 103 rejection appears to be based on a hindsight reconstruction in which isolated disclosures have been picked and chosen in an attempt to deprecate the present invention. Of course, such a combination is impermissible, and for this reason alone, Applicants request that the Section 103 rejection of Claims 1-15, 17-23, 25-46, and 48-55 be withdrawn.

For at least the reasons set forth above, Applicants respectfully request that the rejections of Claims 1-15, 17-23, 25-46, and 48-55 under 35 U.S.C. 103(a) be withdrawn.

Newly added Claim 56 depends from independent Claim 1, which is submitted to be in condition for allowance and is patentable over the cited art. For at least the reasons set forth above, Applicants respectfully submit that Claim 56 is also patentable over the cited art.

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In view of the foregoing amendment and remarks, all the claims now active in this application are believed to be in condition for allowance. Reconsideration and favorable action is respectfully solicited.

Respectfully Submitted,

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